

REMARKS

Claims 1-10 are pending in this application. Claims 1 and 7 stand rejected and claims 2, 5, 6, and 8-10 are objected to. Applicant wishes to thank the Examiner for the indication of allowance of claims 3 and 4, and refrain from rewriting claims 2, 5, 6, and 8-10 in independent form until final resolution of the claims from which they depend. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,275,03 ("Maniwa") in view of U.S. Patent No. 5,752,171 ("Akiya") and further in view of U.S. Patent No. 6,865,216 ("Beamish"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 1 not shown in the cited references is adjustable filter means for reducing leakage power outside a transmission signal band, said filter means having a first attenuation amount more than a predetermined amount and a second attenuation amount not more than a predetermined amount selectively set in a range higher than a transmission signal band.

The Office Action notes that this feature is not sufficiently disclosed in Maniwa. In Maniwa, there are coefficients applied to minimize intermodulation distortion. However, these two coefficients do not provide the explicitly recited first and second attenuation values.

Paragraph 4, lines 4-8, of the Office Action indicate that "25 (a set of α and β) affecting attenuation amount in 50" and "24 affecting 23" of Figs. 11-13 of Maniwa correspond to the first/second attenuation amount of the present invention. Attenuation is controlled in such a way that the sum of the attenuation amount outside the band in each of the Predistorator 50 and the Transmitter 23 becomes a constant amount.

In contrast, in the present invention, the desired value of the attenuation amount outside the band is selectively changed in two steps of the first and second attenuation amounts.

In addition, according to the present invention, the attenuation amount is selected in accordance with the use or nonuse situation of the adjacent band. In regard to this point, although the Examiner has cited col. 1, lines 13-15 and col. 7, line 54 to col. 8, line 4 of Maniwa, the description relevant to this portion is not seen.

In an effort to cure this noted deficiency in Maniwa, the Office Action includes Akiya. However, Akiya also fails to disclose first and second attenuation amounts. Applicants explicitly recite that the adjustable filter means includes a first and second attenuation amount. In contrast, in Akiya, the output of a variable gain amplifier is varied between a normal setting and powered-down setting. The variable gain amplifier is not the same or equivalent to the adjustable filter means recited in Applicant's claim. Further, varying the power setting in an amplifier is not the same as attenuation in a filter. Finally, the power-down setting merely turns off the automatic level control group, which is unlike varying the attenuation through an adjustable filter.

The Beamish reference was included not to cure the deficiencies in Akiya and Maniwa discussed above but to show additional limitations which, even if it were to show, do not cure the deficiencies in Maniwa and Akiya discussed above.

Applicant also notes that the Examiner has not provided a motivation to combine the cited references. A motivation to combine may arise from either the explicit or implicit statements in the prior art references or knowledge of those with ordinary skill in the art that certain references or disclosures in those references are of special interest or importance in the field or the nature of the problem to be solved. See, Relize v. A.P. Chance Co., 234 F.3d 654, 665 (Fed. Cir. 2000). Regardless of its

source or the form that it takes, a motivation to combine must be clearly and particularly shown. See, In re Dembiczak, 175 F.3d 994, 999-1000 (Fed. Cir. 1999). Here, the Office Action has not set forth any motivation to combine the three references. Which, even if they were combined, do not disclose Applicant's explicitly recited invention. Therefore, for this additional reason, the Office Action has failed to render claims 1 and 7 obvious over the cited references and Applicant respectfully requests reconsideration and withdrawal of the rejection.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated:

Respectfully submitted,

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